

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

BRANDI CHARLES ROSE,

Plaintiff,

v.

Civil Action No. 2:16-cv-12369

NANCY A. BERRYHILL, Acting  
Commissioner of the Social  
Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Cheryl A. Eifert, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

The court has reviewed the Proposed Findings and Recommendation entered by the magistrate judge on September 18, 2017. The magistrate judge recommends that the court "grant Plaintiff's request for judgment on the pleadings, to the extent that it requests remand of the Commissioner's decision; deny Defendant's request to affirm the decision of the Commissioner; reverse the final decision of the Commissioner; remand this matter pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with [the Proposed Findings and Recommendation]; and dismiss this action from the docket of the [court]." (ECF #19 at 27 (emphases and citations

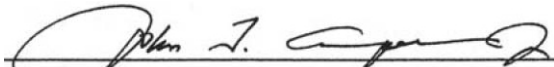
omitted).) The Commissioner has not objected to the Proposed Findings and Recommendation.

Accordingly, it is ORDERED that:

1. The Proposed Findings and Recommendations be, and hereby is, adopted by the court;
2. The plaintiff's request for judgment on the pleadings be, and hereby is, granted, to the extent that it requests remand of the Commissioner's decision;
3. The Commissioner's request to affirm the decision of the Commissioner be, and hereby is, denied;
4. The Commissioner's final decision be, and hereby is, reversed;
5. This action be, and hereby is, remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings consistent with the Proposed Findings and Recommendation; and
6. This action be, and hereby is, dismissed from the docket.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record and the United States Magistrate Judge.

ENTER: December 19, 2017



John T. Copenhaver, Jr.  
United States District Judge